

1 husband asked him to stop this relationship, and cautioned him about his
2 wife's vulnerability to abusing drugs. Dr. McKinney agreed to stop the
3 relationship but continued to see the patient.

4 5. Dr. McKinney began treating the patient in the State of Texas. He
5 moved from the State of Texas to Arizona in August of 1997. Dr.
6 McKinney continued the intimate relationship with this patient during this
7 period of time and was prescribing controlled substances for her.

8 6. Dr. McKinney, also while prescribing controlled substances for the
9 patient, asked that she share the medication with him.

10 7. Dr. McKinney's conduct violates the prohibition against a physician
11 engaging in sexual intimacies with a patient and prescribing medication
12 for other than therapeutic purposes.

13 **CONCLUSIONS OF LAW**

14 1. The Board of Medical Examiners of the State of Arizona possesses
15 jurisdiction over the subject matter hereof and over Michael K. McKinney,
16 M.D.

17 2. The Board has received substantial evidence supporting the Findings of
18 Fact described above and said findings constitute unprofessional
19 conduct or other grounds for the Board to take disciplinary action.

20 3. The conduct and circumstances described above in paragraphs 3
21 through 7 constitute unprofessional conduct pursuant to A.R.S. §§ 32-
22 1401(25)(f) (habitual intemperance in the use of alcohol or habitual
23 substance abuse); -1401(25)(j) (prescribing, dispensing or administering
24 any controlled substance or prescription-only drug for other than
25

1 accepted therapeutic purposes); and, -1401(25)(z)(sexual intimacies with
2 a patient).

3 **ORDER**

4 Based on the foregoing Findings of Fact and Conclusions of Law,
5 IT IS HEREBY ORDERED that:

- 6 1. A Decree of Censure for sexual impropriety and improper prescribing of a
7 Schedule IV substance be issued to Dr. McKinney;
- 8 2. A probation period of one (1) year is hereby issued effective from the date of
9 this Order; the terms of which are that:

10 Dr. McKinney shall attend a total of thirty-five (35) hours of Board staff pre-
11 approved Category I CME, to be divided as fifteen (15) hours in prescribing and
12 twenty (20) hours in ethics. This CME requirement may be applied toward the
13 twenty hours required for license renewal.

14 **RIGHT TO PETITION FOR REVIEW**

15 Dr. McKinney is hereby notified that he has the right to petition for a rehearing.
16 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with
17 the Board's Executive Director within thirty (30) days after service of this Order and
18 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
19 rehearing. Service of this Order is effective five (5) days after the date of mailing. If a
20 motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days
21 after it is mailed to Dr. McKinney.

22 Dr. McKinney is further notified that the filing of a petition for rehearing is required to
23 preserve any rights of appeal to the Superior Court that he may wish to pursue.

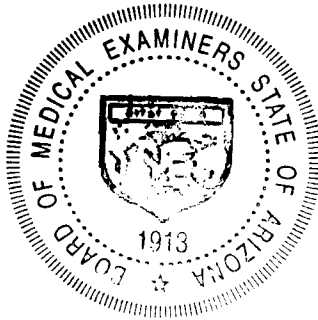
24 ...

25 ...

1 DATED this 22nd day of March, 2001.

2 BOARD OF MEDICAL EXAMINERS
3 OF THE STATE OF ARIZONA

4 (SEAL)



5 By Claudia Foutz
6 CLAUDIA FOUTZ
7 Executive Director
8 TOM ADAMS
9 Deputy Director

10 **ORIGINAL** of the foregoing filed
11 this 22nd day of March, 2001, with:

12 The Arizona Board of Medical Examiners
13 9545 East Doubletree Ranch Road
14 Scottsdale, Arizona 85258

15 EXECUTED COPY of the foregoing mailed by
16 Certified Mail this 22nd day of March, 2001, to:

17 Michael K. McKinney, M.D.
18 300 South Willard St. - Ste. 105
19 Cottonwood, AZ 86326

20 EXECUTED COPY of the foregoing mailed
21 this 22nd day of March, 2001, to:

22 Dan Jantsch, Esq.
23 Olson, Jantsch, Bakker & Blakey
24 7243 North 16th Street
25 Phoenix, AZ 85020-5203
Counsel for Dr. McKinney

COPY of the foregoing hand-delivered this
22nd day of March, 2001, to:

Richard F. Albrecht, Esq., Assistant Attorney General
c/o Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Counsel for the Board

Tamara Turner
Tamara Turner, Board Operations Coordinator